

LOS ANGELES POLICE COMMISSION

***REVIEW OF THE
DEPARTMENT'S
INITIATION OF
COMPLAINTS AUDIT***



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL'S
REVIEW OF THE DEPARTMENT'S
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Second Quarter, Fiscal Year 2003-2004**

I. BACKGROUND

Pursuant to the Annual Audit Plan, Internal Affairs Group (IAG), Los Angeles Police Department (Department), conducted an audit of Consent Decree Paragraph 74 (a, b, d, e, f, g, and h) related to the initiation of complaints. Paragraph 74 outlines the system by which the Department must receive complaints, maintain required complaint materials and continue the operation of a 24-hour toll free telephone complaint hotline. This Paragraph also prohibits officers from asking or requiring the complainant to sign a form that in any manner limits or waives certain rights. The audit evaluated compliance with the mandates of Paragraph 74, as well as Department policy and procedure pertaining to the initiation of complaints.

II. PURPOSE

This audit is listed in the Department's Annual Audit Plan, Fiscal Year 2003/2004¹ as a Non-Specified Consent Decree Compliance Audit and does not fall within the mandates of Consent Decree Paragraph 135. The Office of the Inspector General (OIG) evaluated the LAPD's first audit of initiation of complaints due to the subject matter. The audit was completed by IAG and signed by the Chief of Police on January 20, 2004.

III. PRIOR AUDITS

This is the first audit conducted by the LAPD to evaluate compliance with Consent Decree Paragraph 74.

IV. OVERVIEW OF THE DEPARTMENT'S AUDIT

The Department's audit focused on specific Consent Decree requirements set forth in Paragraph 74, regarding the Department's intake of complaints. Internal Affairs Group's Complaint Information System (CIS) was queried to identify all complaint face sheets reported from July 1, 2003 through September 30, 2003². Each complaint face sheet and attached documentation, if any, was reviewed to determine how each complaint was received (i.e., verbally, written, claims for damages, etc.). The CIS list was also reviewed to identify all anonymous complaints and IAG inspected each non-confidential³ Complaint Form in order to capture information as to the possible source of the complaint

¹ The audit report inaccurately indicates First Quarter. The audit is scheduled for completion during the second quarter.

² Excluding Failures to Appear, Failures to Quality, and Preventable Traffic Collisions.

³ Confidential complaints were excluded from the population due to the sensitive nature of the complaints and to ensure the investigations were not comprised in any way.

and how the complainant chose to notify the Department. Site visits were conducted to determine if all of the required posters and forms were maintained at the Department substations and Police Administration Building (PAB) facility; telephonic calls were made to each geographic patrol division, Community Policing Group and Community Affairs to ascertain if any requests for complaint materials had been received and to determine what procedure was in place to handle such requests; the CIS was queried to ensure a case number was assigned to each complaint received; the 24-Hour Hot Line was reviewed for one randomly selected day; and the complaint files were reviewed for evidence of any form and/or language that limited or waived the ability of a person to file a complaint.

Internal Affairs Group found that the Department is accepting complaints from various sources (in-person, correspondence, anonymous, etc.); all of the required material (posters, complaint forms, envelopes and pamphlets) were maintained at the LAX substation; however, the Wilshire substation and PAB facility either did not have the required complaint forms, pamphlets and/or envelopes or all of the required posters. In addition, IAG identified documentation issues related to the 24-Hour Hotline; and, one complaint investigation that contained language that limited or waived a citizen's ability to file a complaint or lawsuit.

V. METHODOLOGY

The OIG reviewed the audit report and, using IAG's audit population,⁴ identified a sample population to assess IAG's findings. The OIG reviewed 79 of the 442 complaint face sheets reviewed by IAG and reviewed the 27 complaint face sheets in which the complainant was listed as anonymous. The OIG randomly selected five complaint investigations, which were filed anonymously to evaluate for compliance with Consent Decree Paragraph 86. The OIG conducted a follow-up inspection of the Wilshire substation and PAB facility to determine if corrective action had been taken to address the deficiencies noted in IAG's audit report. The OIG further evaluated all incoming telephone calls made to the IAG Duty Room and Detective Support Division (DSD) on July 7, 2003; conducted interviews with four Area Police Stations (one from each Bureau) to determine if any requests for complaint documents had been received and to determine if any procedure was in place to handle such requests. The Front Desk Audit Report was also evaluated to identify the findings related to Paragraph 74(b).

⁴ Although IAG indicated that the "Date Reported" was used to obtain a population of complaints initiated during the specified audit period, the OIG found this not to be the case, and resulted in a discrepancy between the OIG's (1,387) and IAG's (1,668) population.

VI. SUMMARY OF FINDINGS

General Overview

The OIG's review of the 79 complaint face sheet revealed that all were received by those methods deemed acceptable under Paragraph 74. The majority of the complaints were received verbally, either in person or telephonically, and were subsequently documented by Department personnel. There were some complaints that were written and received by regular mail or electronically mailed. The OIG did not find any evidence, through its review, that complainants were requested to relinquish any rights as a requirement for lodging a complaint or evidence that a Department employee initially refused to take a complaint.

The OIG believes that as it relates to anonymous complaints, IAG should not have limited its review to the mere capture of information to possibly identify the source of the complaint, but should have reviewed the completed complaint investigations to determine if the Department made a reasonable effort to investigate anonymous complaints as required by Consent Decree Paragraph 86.

In order to provide a more comprehensive analysis for assessment under Paragraph 74(a), the OIG believes that in future audits, IAG should also ensure that all complaint face sheets that were denied by Classification Section, IAG, met the criteria for denial and should in fact not have been issued a case number as required by the Consent Decree. Furthermore, complaints denied based on a complainant being classified as a "chronic complainant" should have been further scrutinized to ensure the Department previously addressed the allegations.

Objective No. 1– Consent Decree Paragraph 74(a) – [The Department shall continue to provide for the receipt of complaints...] in writing or verbally, in person, by mail, by telephone (or TDD), facsimile transmission, or by electronic mail.

To evaluate compliance with Paragraph 74(a), IAG queried the CIS for a list of complaints reported from July 1, 2003 through September 30, 2003. A random sampling of Complaint Forms initiated during this audit time period were inspected to determine if the attached documentation supported how each complaint was generated. Internal Affairs Group found that the Department has made provisions for the receipt of complaints as mandated.

The OIG's sample population consisted of 79 complaint face sheets. Using IAG's methodology, the OIG concluded, as did IAG, that the Department has made provisions for the receipt of complaints and further did not find any evidence that Department employees refused to accept complaints. The following provides the methods by which the 79 complaints were received by Department:

Review of the Department's Initiation of Complaints Audit

Second Quarter Fiscal Year 2003-2004

Page 4

1.0

Method	Number	Percentage
Telephonic or TDD	23	28%
In-person	18	23%
U.S. Mail	11	14%
Verbal	10	13%
Department	10	13%
Writing	4	5%
Administrative	3	4%
Facsimile	0	0%
E-mail	0	0%
Total	79	100%

Objective No. 2 – Consent Decree Paragraph 74(b) – [The Department shall continue to provide for the receipt of complaints...] anonymous complaints.

To evaluate compliance with this objective, IAG queried the CIS database for a list of anonymous complaints reported during the audit period, which generated a total of 29 complaints. Internal Affairs Group measured compliance with this objective by reviewing the complaint face sheet to determine if the possible source of the complaint could be identified and to determine how the complainant chose to notify the Department.

The OIG believes that instead of focusing its review on identifying the source of the complaint, IAG should have taken a more practical approach and should have evaluated the complaint investigations for compliance with Consent Decree Paragraph 86, to determine if the complaint was adjudicated without further attempt at investigation and if the Department used reasonable efforts to investigate such complaints to determine whether the complaint could be corroborated.

The OIG randomly selected five (CF Nos. 03-3193, 03-3332, 03-3595, 03-3729, and 03-4036) completed complaint investigations, in which the source was anonymous, for review to determine compliance with Consent Decree Paragraph 86. The OIG did not identify any issues in the way these complaints were investigated and determined that the Department used reasonable efforts to investigate the complaints and to determine whether the complaints could be corroborated.

Objective No. 3 – Consent Decree Paragraph 74(c) and (d) – [The Department shall continue to provide for the receipt of complaints...] (c) LAPD headquarters, any LAPD station or substation, or the offices of the Police Commission or the Inspector General; (d) distribution of complaint materials and self-addressed postage-paid envelopes in easily accessible City locations throughout Los Angeles and in languages utilized by the City of Los Angeles in municipal election ballot materials.

Internal Affairs Group only evaluated the substations and PAB facility for compliance with Consent Decree Paragraph 74(c) because Audit Division had completed an

assessment of the Areas and reported its findings through the Front Desk Audit completed on March 11, 2004. A review of the Front Desk Audit Report revealed that nine of the 18 Areas maintained all required complaint materials in the lobby available to the public. Two Areas (77th and West Los Angeles) were missing pre-addressed envelopes to Personnel Division, however they restocked the supply immediately. Audit Division found the most common forms/materials missing were the pre-addressed envelopes (addressed to IAG and to Personnel Division; in addition, the Korean language was the only language missing from the Complaint Forms and pamphlets, Hollywood Area was missing the forms and Southwest Area was missing the pamphlets).

The OIG contacted the Commanding Officer (C/O), Facilities Management Division, who confirmed that there are currently only two substations (LAX and Wilshire) within the City of Los Angeles. The OIG did not follow-up with LAX because IAG found them in compliance with the requirements of Consent Decree Paragraph 74(d). The OIG followed-up on IAG's findings with regard to Wilshire Substation and to PAB facility by conducting a site visit. Both were found out of compliance with Paragraph 74(d) by IAG. The OIG found that Wilshire Substation and PAB facility had taken corrective action by ensuring all complaints materials and self-addressed postage-paid envelopes were easily accessible in various languages to the public. All required posters were also posted.

Objective No. 4 – Consent Decree Paragraph 74(e)- [The Department shall continue to provide for the receipt of complaints...] distribution of the materials needed to file a complaint upon request to community groups, community centers, and public and private service centers

Internal Affairs Group found no evidence/documentation of requests for complaint materials by community groups, community centers, and public and private service centers. During a review of a related IAG audit, IAG found that a staff member from City Council District 14 had ordered complaint materials directly from the City's Department of General Services.

The OIG contacted four Areas, one from each Bureau, to determine if any requests for complaint materials had been received and also to determine what procedures were in place to document and/or respond to such requests. None of the Areas contacted indicated they had recollection of having received any requests for complaint materials. However, at least one Area indicated that if a request had been made the Senior Lead Officer would have handled the request personally. The Areas indicated they did not maintain a log to document requests for complaint materials. However, all indicated that if any request for complaint materials were received, they would either mail or deliver the requested documents.

Recommendation:

- The OIG recommends that the Department create a log to document requests for complaint materials for record keeping purposes.

Objective No. 5 – Consent Decree Paragraph 74(f)- [The Department shall continue to provide for the receipt of complaints...] the assignment of a case number to each complaint.

Internal Affairs Group queried the CIS database for a list of complaints for the specified audit period, and found that a case number was assigned to each complaint. The OIG found, however, that a case number is not always assigned to all complaint face sheets. Complaints that fall within the provisions of Department Manual Section 3/810.15, *Complaints-Conditions of Acceptance*, are denied and not issued a case number (i.e., disputed traffic citations, delays in service, low-flying airship, etc.). These types of complaints are tracked by Area/Division and filed chronologically at Classification Section, IAG. The OIG found that IAG did not review these complaints to ensure they fell within the requirements of Section 3/810.15, and were in fact properly denied. Furthermore, the OIG was informed by Classification Section that there are also instances in which a C/O may request that a complaint be pulled for further investigation or to resolve through a different method and that a case number is not issued. Classification maintains the original copy in its file for tracking purposes, but there is no follow-up to ensure the complaint was appropriately handled.

Recommendations:

- It is recommended that the Department include in future audits of Consent Decree Paragraph 74, a review of complaints that are denied by Classification Section, IAG, to include chronic complainants.
- It is further recommended that IAG follow-up on complaint face sheets that are pulled by C/Os to ensure the allegation(s) are appropriately addressed by the C/O.

Objective No. 6 – Consent Decree Paragraph 74(g) – [The Department shall continue to provide for the receipt of complaints...] continuation of a 24-hour toll-free telephone complaint hotline. Within six months of the effective date of this Agreement, the Department shall record all calls made on this hotline.

As did IAG, the OIG listened to the compact disc of all incoming calls received by the Duty Room on July 7, 2003. The OIG did not identify any complaints that were not appropriately documented, other than the complaint identified by IAG, in which Detective Support Division received a complaint and before all identifying information could be obtained, the complainant changed his/her mind and indicated he/she did not

want to proceed. Detective Support Division does not maintain a log of calls received in which no action is taken.

The OIG was informed by IAG that a Duty Room audit would be conducted in the fourth quarter (calendar year) 2004, which is expected to be completed the beginning of 2005. During the course of that audit, IAG will evaluate adherence by DSD personnel with regards to the maintenance of a log for tracking incoming calls via the 24-Hour Hot Line. The OIG concurs with IAG's recommendation that DSD maintain a log to track complaints received through the Hot Line.

Objective No. 7 – Consent Decree Paragraph 74(h) – [The Department shall continue to provide for the receipt of complaints...] In addition, the Department shall prohibit officers from asking or requiring a potential complainant to sign any form that in any manner limits or waives the ability of a civilian to file a police complaint with the LAPD or any other entity. The Department shall also prohibit officers, as a condition for filing a misconduct complaint, from asking or requiring a potential complainant to sign a form that limits or waives the ability of a civilian to file a lawsuit in court.

To evaluate compliance with this provision, IAG reviewed the complaint forms selected for this audit to determine if any language existed pertaining to Penal Code Section 148.6, and to determine if any LAPD Form 1.81.16 *Complaint Advisory Form* were attached to the complaint forms. One complaint face sheet was identified by IAG to contain a non-Department form relating to California Penal Code Section 148.6. The OIG concluded that appropriate action was taken by IAG to ensure the C/O was made aware of the finding and that corrective action be taken. The OIG did not identify any documents that contained such language and did not find a *Complaint Advisory Form* 1.81.16, attached to any complaint forms reviewed.

Other Related Matters

The OIG confirmed that, as indicated by IAG, existing training providing by the Training Unit, IAG, outlines the responsibilities with respect to initiating and receipt of complaints.

VII. POST AUDIT MEETING

The OIG contacted IAG telephonically and ultimately provided the OIG's findings via electronic mail (e-mail) on May 11, 2004. To date, IAG has not provided a response to the OIG's findings.

VIII. RECOMMENDATIONS

- The OIG recommends that the Department create a log to document requests for complaint materials for recording keeping purposes.
- It is recommended that the Department include in future audits of Consent Decree Paragraph 74, a review of complaints that are denied by Classification Section, IAG, to include chronic complainants.
- It is further recommended that IAG follow-up on complaint face sheets that are pulled by C/Os to ensure the allegation(s) are appropriately addressed by the C/O.